

**In the
Indiana Supreme Court**

IN RE THE MARRIAGE OF)	Supreme Court No. 49S00-0603-SJ-98
)	
CHUCK WAYNE BODEN)	
)	
and)	
)	Case No. 49D04-0012-DR-1744
JENNIFER MARIE BODEN)	in the Marion Superior Court

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the Marion Superior Court, and pursuant to Ind.Trial Rule 53.2, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Marion Superior Court and Judge Cynthia J. Ayers. We remand for two reasons. First, the Chronological Case Summary reveals that on January 13, 2006, prior to petitioner's praecipe concerning a ruling on a support arrearage and attorney fees that the court had taken under advisement, the trial court set these issues for hearing on March 15, 2006. Second, petitioner unduly delayed filing his praecipe until, March 10, 2006, just before the scheduled hearing. Appointing a special judge under this set of circumstances would not advance the principles underlying Ind. Trial Rule 53.2.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Marion Superior Court and Judge Cynthia J. Ayers.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Cynthia J. Ayers, Marion Superior Court, 200 East Washington Street, W442, Indianapolis, IN 46204-3338, and to the Clerk of the Marion Superior Court.

The Clerk of the Marion Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this _____ day of April, 2006.

Randall T. Shepard
Chief Justice of Indiana